

SENATE BILL No. 143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-14-6.

Synopsis: Postmortem radiographs. Requires a coroner to perform a radiograph on a child who is at least one week and not more than three years of age and dies under certain circumstances. Requires the coroner to employ a physician who meets certain qualifications to perform the radiograph.

Effective: July 1, 2005.

Simpson

January 4, 2005, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 143

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Whenever the
3 coroner is notified that a person in the county:

4 (1) has died from violence;

5 (2) has died by casualty;

6 (3) has died when apparently in good health;

7 (4) has died in an apparently suspicious, unusual, or unnatural
8 manner; or

9 (5) has been found dead;

10 ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify
11 a law enforcement agency having jurisdiction in that area. The agency
12 shall assist the coroner in conducting an investigation of how the
13 person died and a medical investigation of the cause of death.

14 (b) The coroner shall file with the person in charge of interment a
15 coroner's certificate of death within seventy-two (72) hours after being
16 notified of the death. If the cause of death is not established with
17 reasonable certainty within seventy-two (72) hours, the coroner shall

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1 file with the person in charge of interment a coroner's certificate of
 2 death, with the cause of death designated as "deferred pending further
 3 action". As soon as ~~he~~ **the coroner** determines the cause of death, the
 4 coroner shall file a supplemental report indicating ~~his~~ **the coroner's**
 5 exact findings with the local health officer having jurisdiction, who
 6 shall make it part of ~~his~~ **the local health officer's** official records.

7 (c) If this section applies, the body and the scene of death may not
 8 be disturbed until the coroner has photographed them in the manner
 9 that most fully discloses how the person died. However, a coroner or
 10 law enforcement officer may order a body to be moved before
 11 photographs are taken if the position or location of the body unduly
 12 interferes with activities carried on where the body is found, but the
 13 body may not be moved from the immediate area and must be moved
 14 without substantially destroying or altering the evidence present.

15 (d) When acting under this section, if the coroner considers it
 16 necessary to have an autopsy performed, is required to perform an
 17 autopsy under subsection (f), ~~or~~ is requested by the prosecuting
 18 attorney of the county to perform an autopsy, **or is required to have a**
 19 **radiograph performed under subsection (g)**, the coroner shall
 20 employ a physician:

- 21 (1) certified by the American board of pathology; or
- 22 (2) holding an unlimited license to practice medicine in Indiana
- 23 and acting under the direction of a physician certified by the
- 24 American board of pathology;

25 to perform the autopsy **or radiograph**. The physician performing the
 26 autopsy **or radiograph** shall be paid a fee of at least fifty dollars (\$50)
 27 from the county treasury. A coroner may employ the services of the
 28 medical examiner system, provided for in IC 4-23-6-6, when an
 29 autopsy **or a radiograph** is required, as long as this subsection is met.

30 (e) If:

- 31 (1) at the request of:
 - 32 (A) the decedent's spouse;
 - 33 (B) a child of the decedent, if the decedent does not have a
 - 34 spouse;
 - 35 (C) a parent of the decedent, if the decedent does not have a
 - 36 spouse or children;
 - 37 (D) a brother or sister of the decedent, if the decedent does not
 - 38 have a spouse, children, or parents; or
 - 39 (E) a grandparent of the decedent, if the decedent does not
 - 40 have a spouse, children, parents, brothers, or sisters;
- 41 (2) in any death, where two (2) or more witnesses who
- 42 corroborate the circumstances surrounding death are present; and

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1 (3) two (2) physicians who are licensed to practice medicine in
2 the state and who have made separate examinations of the
3 decedent certify the same cause of death in an affidavit within
4 twenty-four (24) hours after death;
5 an autopsy need not be performed. The affidavits shall be filed with the
6 circuit court clerk.

7 (f) A county coroner may not certify the cause of death in the case
8 of the sudden and unexpected death of a child who is at least one (1)
9 week old and not more than three (3) years old unless an autopsy is
10 performed at county expense. However, a coroner may certify the cause
11 of death of a child described in this subsection without the performance
12 of an autopsy if subsection (e) applies to the death of the child.

13 **(g) If a child:**

14 **(1) is at least one (1) week and not more than three (3) years**
15 **of age; and**
16 **(2) dies under a circumstance listed under subsection (a);**
17 **the coroner shall perform a radiograph of the child at county**
18 **expense.**

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